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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,350	02/01/2001	Yechiam Yemini	18704-014	7201

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EXAMINER

VAUGHN JR, WILLIAM C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/775,350

Applicant(s)

YEMINI ET AL.

Examiner

William C. Vaughn, Jr.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/14/04, 10/28/04,
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Action is in regards to the Amendment and Reply received on 16 May 2005.

#### ***Response to Arguments***

2. Applicant's arguments and amendments filed on 16 May 2005 have been carefully considered but they are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., *non adjacent node being determined... assigned to said first node ... assigned to said second node*) to the claims which significantly affected the scope thereof.

3. The Examiner also acknowledges receipt and acceptance of the Terminal Disclaimer filed on 16 May 2005.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3, 5, 6, 7 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary claim 3 recites the limitation "the network of claim I. There is insufficient antecedent basis for this limitation in the claim. The Examiner will interpret this claim as well as others that recite this, to mean --the network of claim 1--.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-7, 9, 11-20, 25, 27, 28, 30-35, 37-39, 41-43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen et al. (Jensen), U.S. Patent No. 5,870,564 in view of Yamazaki, U.S. Patent No. 5,655,134 in further view of Ogier et al. (Ogier), U.S. PG PUB 2002/00123220.

8. Regarding **claim 1**, Jensen discloses the invention substantially as claimed. Jensen discloses *a network comprising a plurality of Nodes interconnected by Links* [see Jensen, Figure 1, items 140, 142, 144, Col. 13, lines 65-67 and Col. 14, lines 1-12]. However, Jensen does not explicitly disclose each Node is assigned a set of one or more coordinate labels, each representing a path comprising one or more Links or other Nodes; each coordinate label is unique to the Node to which it is assigned; a path between a first Node and a second Node being determined from one of said coordinate labels associated with said first Node and one of said coordinate labels associated with said second Node.

9. In the same field of endeavor, Yamazaki discloses (e.g., network structure storing and retrieval method for a data processor). Yamazaki discloses (a) *each Node is assigned a set of one or more coordinate labels, each representing a path comprising one or more Links or other Nodes* [see Yamazaki, Col. 8, lines 12-39, Figure 2a-4, 3, 4, 5a-f, 6a-1]; (b) *each coordinate label is unique to the Node to which it is assigned* [see Yamazaki, abstract]; (c) *a path between a*

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*first Node and a second Node being determined from one of said coordinate labels associated with said first Node and one of said coordinate labels associated with said second Node [see Yamazaki, Col. 2, lines 5-62, Col. 3, lines 55-64 and Col. 4, lines 5-26].*

10. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Yamazaki's teachings of a network structure storing and retrieval method for a data processor with the teachings of Jensen, for the purpose of being able to automatically assign link identifiers to each link connecting respective node [see Yamazaki, Col. 2, lines 42-54]. However, Jenson-Yamazaki does not explicitly disclose non-adjacent nodes.

11. In the same field of endeavor, Ogier discloses (e.g., mobile ad hoc extensions). Ogier discloses non-adjacent nodes [see Ogier, section 0263].

12. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Ogier's teachings of mobile ad routing multicast data communications with the teachings of Jenson-Yamazaki, for the purpose of a mobile wireless network that can perform reliably and efficiently [see Ogier, Col. 2, section 0012]. By this rationale **claim 1** is rejected.

13. Regarding **claim 2**, Jenson-Yamazaki and Ogier discloses *wherein said coordinate label represents a path between said Node to which said coordinate label is assigned and a root Node* [see rejection of claim 1, supra]. By this rationale **claim 2** is rejected.

14. Regarding **claim 3**, Jenson-Yamazaki and Ogier discloses *wherein said coordinate label represents a path between said Node to which said coordinate label is assigned and at least one*

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*of a plurality of root Nodes* [see rejection of claim 1, supra]. By this rationale **claim 3** is rejected.

15. Regarding **claim 4**, Jensen-Yamazaki and Ogier discloses *where at least one of said plurality of Nodes is a computer file* [see Jensen, Col. 28, lines 43-50]. By this rationale **claim 4** is rejected.

16. Regarding **claim 5**, Jensen-Yamazaki discloses *where at least one of said one or more Links is a directory access path* [see Jensen, Col. 12, lines 53-67]. By this rationale **claim 5** is rejected.

17. Regarding **claim 6**, Jensen-Yamazaki and Ogier discloses *where at least one of said plurality of Nodes is a computer process* [see Jensen, Col. 10, lines 10-64]. By this rationale **claim 6** is rejected.

18. Regarding **claim 7**, Jensen-Yamazaki and Ogier discloses *where at least one of said one or more Links is a directory access path* [see rejection of claim 1, supra]. By this rationale **claim 7** is rejected.

19. Regarding **claim 9**, Jensen-Yamazaki and Ogier discloses *wherein each coordinate label representing a path comprises, in series, identifiers for Links and Nodes comprising said path* [see rejection of claim 1, supra]. By this rationale claim 9 is rejected.

20. Regarding **claim 11**, Jensen-Yamazaki and Ogier discloses *wherein a Node identifier is indexed to at least one of said set of one or more coordinate labels, where said at least one of said set of one or more coordinate labels corresponds to at least one of said plurality of Nodes* [see rejection of claim 1, supra]. By this rationale **claim 11** is rejected.

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21. Regarding **claim 12**, Jensen-Yamazaki and Ogier discloses *wherein said path is determined from said coordinate labels from said network and at least one coordinate label from at least one second network* [see Jensen, Col. 7, lines 45-67]. By this rationale **claim 12** is rejected.

22. Regarding **claim 13**, Jensen-Yamazaki and Ogier discloses *wherein at least one of said coordinate labels contains path information from said network and a second network* [see Jensen, Col. 12, lines 54-67]. By this rationale **claim 13** is rejected.

23. Regarding **claims 14-20, 25, 27, 28, 30-35, 37-39 and 41-43**, the limitations of these claims are substantially the same as that of claims 1-7, 9, 11-13 and thus are rejected for the same rationale in rejecting those claims.

***Claim Rejections - 35 USC § 103***

24. **Claims 8, 10, 21-24, 26, 29, 36, 40, and 44** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen-Yamazaki and Ogier as applied to claims 1, 27, 38 above, and further in view of Huang et al. (Huang), U.S. Patent No. 6,041,358.

25. Regarding **claims 8, 26 and 36**, Jensen-Yamazaki discloses the invention substantially as claimed. However, Jensen-Yamazaki does not explicitly disclose wherein at least one of said links is a virtual link.

26. In the same field of endeavor, Huang discloses (method for maintaining virtual local area networks with mobile terminals in an ATM network). Huang discloses *wherein at least one of said links is a virtual link* [see Huang, Col. 5, lines 40-67].

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27. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Huang's teachings of a method for maintaining virtual local area networks with mobile terminals in an ATM network with the teachings of Jensen-Yamazaki and Ogier, for the purpose of maintaining multiple VLAN over a ATM network even when the VLANs contain mobile stations [see Huang, Col. 5, lines 35-37]. By this rationale **claims 8, 26 and 36** are rejected.

28. Regarding **claims 10, 29, and 40**, Jensen-Yamazaki, Ogier and Huang discloses *wherein each of said set of one or more coordinate labels is periodically updated to reflect changes in said path* [see Huang, Col. 3, lines 28-47, Col. 6, lines 13-50]. By this rationale **claims 10, 29 and 40** are rejected.

29. Regarding **claims 21 and 22**, Jensen-Yamazaki, Ogier and Huang discloses *wherein a multicast tree is computed from a plurality of said set of one or more coordinates* [see Huang, Abstract, Col. 3, lines 55-67]. By this rationale **claims 21 and 22** are rejected.

30. Regarding **claims 23 and 24**, Jensen-Yamazaki, Ogier and Huang discloses *wherein said network is an ATM network or a packet-based network* [see Huang, Col. 5, lines 40-44 and Col. 2, lines 65-67, Col. 3, lines 1-14]. By this rationale **claims 23 and 24** are rejected.

31. Regarding **claim 44**, Jensen-Yamazaki, Ogier and Huang discloses where said set of one of more coordinate labels is further comprised of coordinate labels from a first virtual network, and coordinate labels from at least one second virtual network (Huang teaches virtual local area networks), [see Huang, Col. 3, lines 15-67 and Col. 4, lines 1-35]. Furthermore, Rekhter et al. (Rekhter), U.S. Patent No. 6,526,056 discloses VPN with path labels and attributes within a packet header (addresses, identifiers).



***Response to Arguments***

32. It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art. As it is Applicant's right to continue to claim as broadly as possible their invention. It is also the Examiner's right to continue to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique (see Applicant's enabling portions of the specification, pages 20-22). As it is extremely well known in the networking art as already shown by Jensen-Yamazaki, Ogier and Huang as well as other cited prior art of record, "assigned a set of one or more coordinate labels ... non-adjacent node", in addition to other claimed features of Applicant's invention. Thus, it is clear that Applicant must submit amendments to the claims in order to distinguish over the prior art use in the rejection that discloses different features of Applicant's claim invention.

33. Applicant employs broad language, which includes the use of word, and phrases (unique, assigned, coordinate labels), which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light

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of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

34. Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly, define the claimed invention.

#### ***Conclusion***

35. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

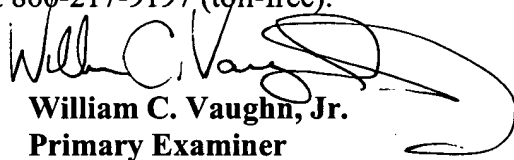
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (571) 272-3922. The examiner can normally be reached on 8:00-6:00, 1st and 2nd Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**William C. Vaughn, Jr.**  
**Primary Examiner**  
**Art Unit 2143**  
**02 August 2005**

WCV